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EXAMINER

NGUYEN, THU HA T

ART UNIT PAPER NUMBER

2155

DATE MAILED: 05/17/2004

9

Please find below and/or attached an Office communication concerning this application or proceeding.

8

Office Action Summary

Application No.

09/661,273

Applicant(s)

CAIN ET AL.

Examiner

Thu Ha T. Nguyen

Art Unit

2155

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 March 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-55 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-55 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. Claims **1-55** are presented for examination.
2. Name of the Attorney/Agent for Applicant(s) in the response filed on March 02, 2004 is not found in the Power of Attorney record. Applicant(s)/Attorney/Agent is required to provide the updated and corrected of Power of Attorney.

Response to Arguments

3. Applicant's arguments filed on March 02, 2004 have been fully considered but they are not persuasive because of the following reasons:
4. In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, the reason to include the prima facie of equivalence in the rejection because the prior art element performs the identical function specified in the claim is substantially the same way, and produces substantially the same results as the corresponding element disclosed in the specification (see MPEP 2183). Therefore, Examiner concludes that Garrity implicitly

discloses the operation center (136) (figures 1-2, 4) receives distributed information from content providers (102, 104, 106) and the OC (136) subsequent receive a request from content consumer for broadcast/multicast distributed information. The OC or server (136) (figures 1-2, 4) authenticates the content consumer based on the profile that is provided by the content provider to server and is stored in database (414) equivalent to the process of the access device receives the subsequent request by the host device to join the multicast group and determines by the access device whether the host device is authorized to join the multicast group based upon the access control information as disclosed in the applicant's specification. A person of ordinary skill in the art would have recognized that Garrity performs the same function in substantially the same way to reach substantially the same result for controlling and managing access and transfer of data within a communications system (see abstract, col. 2 lines 1-10).

5. Applicants argue that Garrity does not teach or suggest distributing access control information from a distribution device to an access device for use by the access device in authenticating a subsequent request by a host device to join a television channel multicast group. In response to Applicants' argument, Examiner asserts that Garrity does teach distributing access control information from a distribution device to an access device for use by the access device in authenticating a subsequent request by a host device to join a television channel multicast group as shown in abstract, figure 2, col. 3 lines 33-col. 6 lines 49.

6. Applicants argue that Garrity does not teach maintenance logic operably coupled to maintain access control information; and distribution logic operably coupled

to distribute the access control information to at least one access device using a predetermined push mechanism. In response to Applicants' argument, Examiner asserts that Garrity does teach maintenance logic operably coupled to maintain access control information; and distribution logic operably coupled to distribute the access control information to at least one access device using a predetermined push mechanism as shown in abstract, figures 1-2, 4, col. 3 lines 33-col. 6 lines 49.

7. Applicants' argue that Garrity does not teach distribution device uses a predetermined push mechanism to distribute access control information to the at least one access device, and wherein the at least one access device uses the access control information to control access to at least one television channel multicast group. In response to Applicants' argument, Examiner asserts that Garrity teaches distribution device uses a predetermined push mechanism to distribute access control information to the at least one access device, and wherein the at least one access device uses the access control information to control access to at least one television channel multicast group as shown in abstract, figures 2, 6-7, col. 3 lines 33-col. 6 lines 49, col. 8 lines 30-col. 11 lines 58.

8. In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re*

Jones, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, the reason to combine the teaching of **Garrity** by modifying the process of predetermined push mechanism to comprises a policy service by **Dobbins**. One of ordinary skill in the art would have been motivated to modify **Garrity** in view of **Dobbins** to include a policy service because it would have an efficient communications system that can manage and distribute content resources to users based on user's profile or, in other words, based on access control information by using policy service rule.

9. As a result, cited prior arts do disclose a system and method for accessing control Internet resource, as broadly claimed by the Applicants. Applicants clearly have still failed to identify specific claim limitations that would define a clearly patentable distinction over prior arts.

10. Therefore, the examiner asserts that cited prior art teaches or suggests the subject matter broadly recited in independent claims 1, 15, 25, 35, 45, and 55. Claims 2-14, 16-24, 26-34, 36-44, 46-54 are also rejected at least by virtue of their dependency on independent claims and by other reasons set forth in the previous office action [see paper no. 7]. Accordingly, claims 1-55 are rejected.

Claim Rejections - 35 USC § 103

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made

Art Unit: 2155

to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. Claims 1-4, 8, 10-17, 21, 23-27, 31, 33-37, 41, 43-47, 51, and 53-55 are rejected under 35 U.S.C. § 103 (a) as being unpatentable over **Garrity et al.**, (hereinafter Garrity) U.S. Patent No. **6,230,205**.

13. As to claim 1, **Garrity** teaches the invention substantially as claimed, including an access control method for an internet television system, the access control method comprising:

distributing access control information from a distribution device to an access device for use by the access device in authenticating a subsequent request by a host device to join a television channel multicast group (abstract, figure 2, col. 3 lines 33-col. 6 lines 49);

receiving, by the access device, the subsequent request by the host device to join the television channel multicast group (figure 7, col. 8 lines 30-64);

determining, by the access device, whether the host device is authorized to join the television channel multicast group based upon the access control information distributed from the distribution device (abstract, figures 6-7, col. 8 lines 30-col. 11 lines 58); and

admitting, by the access device, the host device to the television channel multicast group if and only if the host device is determined to be authorized to join the television channel multicast group (abstract, figures 6-8, col. 8 lines 30-col. 11lines 58). It would have been obvious to one of ordinary skill in the Data Processing art at the time of the invention was made that **Garrity** implicitly discloses the operation center (136) (figures 1-2, 4) receives distributed information from content providers (102, 104, 106) and the OC (136) subsequent receive a request from content consumer for broadcast/multicast distributed information. The OC or server (136) (figures 1-2, 4) authenticates the content consumer based on the profile that is provided by the content provider to server and is stored in database (414) equivalent to the process of the access device receives the subsequent request by the host device to join the multicast group and determines by the access device whether the host device is authorized to join the multicast group based upon the access control information as disclosed in the applicant's specification. A person of ordinary skill in the art would have recognized that **Garrity** performs the same function in substantially the same way to reach substantially the same result.

14. As to claim 2, **Garrity** teaches the invention substantially as claimed, wherein distributing the access control information from the distribution device to the access device comprises: pushing the access control information from the distribution device to the access control device using a predetermined push mechanism (figure 2, col. 3 lines 33-col. 6 lines 67). It would have been obvious to one of ordinary skill in the

Data Processing art at the time of the invention was made that **Garrity** implicitly discloses the content provider unicast distributed information to the OC or server (figures 1-2) that equivalent to the step of pushing the access control information to the access device as disclosed in the applicant's specification. A person of ordinary skill in the art would have recognized that **Garrity** performs the same function in substantially the same way to reach substantially the same result.

15. As to claim 3, **Garrity** teaches the invention substantially as claimed, wherein the predetermined push mechanism comprises a reliable multicast mechanism (figures 1-2, col. 3 lines 33-col. 4 lines 32).

16. As to claim 4, **Garrity** teaches the invention substantially as claimed, wherein pushing the access control information from the distribution device to the access control device using the predetermined push mechanism comprises: joining a predetermined multicast group by the access device; sending the access control information to the predetermined multicast group by the distribution device using the reliable multicast receiving the access control information by the access device from the multicast group using the reliable multicast mechanism (abstract, figure 1-2, 4, 7, col. 3 lines 33-col. 6 lines 49, col. 7 lines 33-col. 8 lines 64).

17. As to claim 8, **Garrity** teaches the invention substantially as claimed, wherein the predetermined push mechanism comprises a management mechanism (abstract, col. 2 lines 12-47).

18. As to claim 10, **Garrity** teaches the invention substantially as claimed, wherein the management mechanism comprises a Command Line Interface (CLI) (figure 7, col. 10 lines 29-col. 56).

19. As to claim 11, **Garrity** teaches the invention substantially as claimed, wherein pushing the access control information from the distribution device to the access control device using a predetermined push mechanism comprises: sending the access control information from the distribution device to the access device in the form of management information using the management mechanism (abstract, col. 2 lines 12-47).

20. As to claim 12, **Garrity** teaches the invention substantially as claimed, wherein determining whether the host device is authorized to join the television channel multicast group comprises: authenticating the host device based upon the access control information (abstract, figure 1-2, 4, 7 col. 3 lines 33-col. 3 lines 33-col. 6 lines 49, col. 7 lines 33-col. 8 lines 64).

21. As to claim 13, **Garrity** teaches the invention substantially as claimed, wherein admitting the host device to the television channel multicast group comprises: joining the television channel multicast group by the access device using a predetermined multicast routing protocol (abstract, figures 6-8, col. 8 lines 30-col. 11lines 58).

22. As to claim 14, **Garrity** teaches the invention substantially as claimed, wherein the predetermined multicast routing protocol (abstract, figures 1-2, 4, col. 3 lines 33-col. 5 lines 37, col. 6 lines 4-col. 7 lines 65). **Garrity** does not explicitly teach comprises a Protocol Independent Multicast (PIM) multicast routing protocol. However, PIM is well known in the art and it is deem to be obvious because **Garrity** teaches the multicast function in the invention, hence it is obvious to use the PIM multicast routing protocol. It would have been obvious to one of ordinary skill in the Data Processing art at the time of the invention was made to have the use of PIM multicast protocol in the system of **Garrity** because it would have an efficient network management system that multicasts or distributes content resource to selected group or user who is authorized to join the multicast group.

23. As to claim 15, **Garrity** teaches the invention substantially as claimed, including an apparatus for distributing access control information in an internet television system, the apparatus comprising:

maintenance logic operably coupled to maintain access control information
(abstract, figures 1-2, 4); and

distribution logic operably coupled to distribute the access control information to at least one access device using a predetermined push mechanism (abstract, figure 2, col. 3 lines 33-col. 6 lines 49). It would have been obvious to one of ordinary skill in the Data Processing art at the time of the invention was made that **Garrity** implicitly discloses the content provider unicast distributed information to the OC or server (figures 1-2) based on pre-schedule that equivalent to the step of pushing the access control information to the access device based on predetermined push mechanism as disclosed in the applicant's specification. A person of ordinary skill in the art would have recognized that **Garrity** performs the same function in substantially the same way to reach substantially the same result.

24. As to claim 25, **Garrity** teaches the invention substantially as claimed, including a computer program for controlling a computer system, the computer program comprising:

maintenance logic programmed to maintain access control information (abstract, figures 1-2, 4); and

distribution logic programmed to distribute the access control information to at least one access device using a predetermined push mechanism (abstract, figure 2, col. 3 lines 33-col. 6 lines 49). It would have been obvious to one of ordinary skill in the Data Processing art at the time of the invention was made that **Garrity** implicitly

Art Unit: 2155

discloses the content provider unicast distributed information to the OC or server (figures 1-2) based on pre-schedule that equivalent to the step of pushing the access control information to the access device based on predetermined push mechanism as disclosed in the applicant's specification. A person of ordinary skill in the art would have recognized that **Garrity** performs the same function in substantially the same way to reach substantially the same result.

25. As to claim 35, **Garrity** teaches the invention substantially as claimed, including an apparatus for providing receiver access control in an internet television system, the apparatus comprising:

distribution logic operably coupled to receive access control information from a distribution device using a predetermined push mechanism (abstract, figure 2, col. 3 lines 33-col. 6 lines 49);

host interface logic operably coupled to receive a request from a host device to join a television channel multicast group (figure 7, col. 8 lines 30-64); and

access control logic operably coupled to determine whether the host device is authorized to join the television channel multicast group based upon the access control information (abstract, figures 6-7, col. 8 lines 30-col. 11 lines 58).

It would have been obvious to one of ordinary skill in the Data Processing art at the time of the invention was made that **Garrity** implicitly discloses the content provider unicast distributed information to the OC or server (abstract, figures 1-2) based on pre-schedule. The OC or server (136) (figures 1-2, 4) authenticates the content consumer

based on the profile that is provided by the content provider to server and is stored in database (414) equivalent to the process of pushing the access control information to the access device based on predetermined push mechanism. The access device receives request by the host device to join the multicast group and determines whether the host device is authorized to join the multicast group based upon the access control information as disclosed in the applicant's specification. A person of ordinary skill in the art would have recognized that **Garrity** performs the same function in substantially the same way to reach substantially the same result.

26. As to claim 45, **Garrity** teaches the invention substantially as claimed, including a computer program for controlling a computer system, the computer program comprising:

distribution logic programmed to receive access control information from a distribution device using a predetermined push mechanism (abstract, figure 2, col. 3 lines 33-col. 6 lines 49);

host interface logic programmed to receive a request from a host device to join a television channel multicast group (abstract, figures 6-7, col. 8 lines 30-col. 11 lines 58);
and

access control logic programmed to determine whether the host device is authorized to join the television channel multicast group based upon the access control information (abstract, figures 6-7, col. 8 lines 30-col. 11 lines 58).

It would have been obvious to one of ordinary skill in the Data Processing art at the time of the invention was made that **Garrity** implicitly discloses the content provider unicast distributed information to the OC or server (abstract, figures 1-2) based on pre-schedule. The OC or server (136) (figures 1-2, 4) authenticates the content consumer based on the profile that is provided by the content provider to server and is stored in database (414) equivalent to the process of pushing the access control information to the access device based on predetermined push mechanism. The access device receives request by the host device to join the multicast group and determines whether the host device is authorized to join the multicast group based upon the access control information as disclosed in the applicant's specification. A person of ordinary skill in the art would have recognized that **Garrity** performs the same function in substantially the same way to reach substantially the same result.

27. As to claim 55, **Garrity** teaches the invention substantially as claimed, including an internet television system comprising a distribution device in communication with at least one access device over a communication network, wherein the distribution device uses a predetermined push mechanism to distribute access control information to the at least one access device, and wherein the at least one access device uses the access control information to control access to at least one television channel multicast group (abstract, figures 2, 6-7, col. 3 lines 33-col. 6 lines 49, col. 8 lines 30-col. 11 lines 58). It would have been obvious to one of ordinary skill in the Data Processing art at the time of the invention was made that **Garrity** implicitly

discloses the content provider unicast distributed information to the OC or server (abstract, figures 1-2) based on pre-schedule. The OC or server (136) (figures 1-2, 4) authenticates the content consumer based on the profile that is provided by the content provider to server and is stored in database (414) equivalent to the process of pushing the access control information to the access device based on predetermined push mechanism. The access device receives request by the host device to join the multicast group and determines whether the host device is authorized to join the multicast group based upon the access control information as disclosed in the applicant's specification. A person of ordinary skill in the art would have recognized that **Garrity** performs the same function in substantially the same way to reach substantially the same result.

28. As to claim 16-17, 21, 23-24, 26-27, 31, 33-34, 36-37, 41, 43-44, 46-47, 51, and 53-54, they are system and computer program claims directed to distributing access control information in an internet television of method claims 3-4, 8, and 10-11. Claims 16-17, 21, 23-24, 26-27, 31, 33-34, 36-37, 41, 43-44, 46-47, 51, and 53-54 have similar limitations to claims 3-4, 8, and 10-11; therefore, they are rejected under the same rationale.

29. Claims 5-7, 9, 18-20, 22, 28-30, 32, 38-40, 42, 48-50 and 52 are rejected under 35 U.S.C. § 103 (a) as being unpatentable over **Garrity** U.S. Patent No.

6,230,205, in view of **Dobbins et al.**, (hereinafter Dobbins) U.S. Publication No. **US 2002/0066033**.

30. As to claim 5, **Garrity** teaches the invention substantially as claimed, wherein the predetermined push mechanism (abstract, figure 1-2, 4, 7, col. 3 lines 33-col. 6 lines 49, col. 7 lines 33-col. 8 lines 64); however, **Garrity** does not explicitly teach a policy service. **Dobbins** teaches a policy service (abstract, paragraphs 0009-0010, 0021). It would have been obvious to one of ordinary skill in the Data Processing art at the time of the invention was made that **Garrity** suggests the process of predetermined push mechanism to modify the process of predetermined push mechanism comprises a policy service by **Dobbins**. One of ordinary skill in the art would have been motivated to modify **Garrity** in view of **Dobbins** because it would have an efficient communications system that can manage and distribute content resources to users based on user's profile or, in other words, based on access control information by using policy service rule.

31. As to claim 6, **Garrity** does not explicitly teach the invention as claimed; however, **Dobbins** teaches wherein the policy service comprises a Common Open Policy Service (COPS) (abstract, paragraph 0021). It would have been obvious to one of ordinary skill in the Data Processing art at the time of the invention was made to combine the teachings of **Garrity and Dobbins** to have the same motivation as set forth in claim 5, supra.

32. As to claim 7, **Garrity** teaches the invention substantially as claimed, wherein pushing the access control information from the distribution device to the access control device using a predetermined push mechanism comprises: sending the access control information from the distribution device to the access device (abstract, figure 2, col. 3 lines 33-col. 6 lines 49). However, **Garrity** does not explicitly teach the access control information is sent in the form of policy information using the policy service. **Dobbins** teaches the access control information is sent in the form of policy information using the policy service (abstract, paragraphs 0009-0019, 0021). It would have been obvious to one of ordinary skill in the Data Processing art at the time of the invention was made to combine the teachings of **Garrity and Dobbins** to have the same motivation as set forth in claim 5, *supra*.

33. As to claim 9, **Garrity** does not explicitly teach the invention as claimed; however, **Dobbins** teaches wherein the management mechanism comprises a Simple Network Management Protocol (SNMP) (figures 1, 11, paragraphs 0009-0010, 0020-0021, 0173). It would have been obvious to one of ordinary skill in the Data Processing art at the time of the invention was made to combine the teachings of **Garrity and Dobbins** to have a SNMP in the management mechanism because it would have an efficient network management to managing complex network and content resources.

34. As to claim 18-20, 22, 28-30, 32, 38-40, 42, 48-50, and 52, they are system and computer program claims directed to distributing access control information in an internet television of method claims 5-7, and 9. Claims 18-20, 22, 28-30, 32, 38-40, 42, 48-50, and 52 have similar limitations to claims 5-7, and 9; therefore, they are rejected under the same rationale.

Conclusion

35. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

36. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thu Ha Nguyen, whose telephone number is (703)

Art Unit: 2155

305-7447. The examiner can normally be reached Monday through Friday from 8:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hosain T. Alam, can be reached at (703) 308-6662.

Any inquiry of a general nature of relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-9600.

The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9306 for regular communications.

Thu Ha Nguyen

May 12, 2004


HOSAIN ALAM
SUPERVISORY PATENT EXAMINER